

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN MICHAEL LONG,

Plaintiff,

v.

STANISLAUS COUNTY SHERIFF'S
DETENTION CENTER, et al.,

Defendants.

Case No. 1:23-cv-00356-EPG (PC)

ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS WITHOUT PREJUDICE

(ECF No. 2)

ORDER REQUIRING PLAINTIFF TO
SUBMIT APPLICATION TO PROCEED *IN*
FORMA PAUPERIS OR PAY FILING FEE

ORDER REQUIRING PLAINTIFF TO
SUBMIT NOTICE RE: DETENTION STATUS

THIRTY (30) DAY DEADLINE

Plaintiff Kevin Long is detained at the Public Safety Center and is proceeding *pro se* in this civil rights action. Plaintiff has submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2). Plaintiff's application, however, is incomplete. Specifically, Plaintiff failed to fully answer question three. Accordingly, the Court will deny Plaintiff's application to proceed *in forma pauperis*, with leave to refile a completed application.

Additionally, while Plaintiff filed an application to proceed *in forma pauperis* by a prisoner, Plaintiff's detention status is not clear. This status is relevant to resolving Plaintiff's application to proceed *in forma pauperis*, as well as other issues. See, e.g., 28 U.S.C. § 1915(g) ("In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or

1 proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated
2 or detained in any facility, brought an action or appeal in a court of the United States that was
3 dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief
4 may be granted, unless the prisoner is under imminent danger of serious physical injury.”).

5 Accordingly, the Court will require Plaintiff to file a notice that includes additional
6 information regarding his detention status. In the notice, Plaintiff should include information
7 regarding why he was detained at Public Safety Center at the time he filed this action. The Court
8 notes that, “[a]s used in [] section [1915], the term ‘prisoner’ means any person incarcerated or
9 detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent
10 for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or
11 diversionary program.” 28 U.S.C. § 1915(h).

12 Accordingly, IT IS ORDERED that:

- 13 1. Plaintiff’s application to proceed *in forma pauperis* (ECF No. 2) is DENIED without
14 prejudice.
- 15 2. Within thirty (30) days from the date of service of this order, Plaintiff shall submit one
16 of the attached applications to proceed *in forma pauperis*, completed and signed,¹ or,
17 in the alternative, pay the \$402.00 filing fee for this action. No request for an
18 extension of time will be granted without a showing of good cause.
- 19 3. Within thirty (30) days from the date of service of this order, Plaintiff shall file a
20 notice regarding his detention status.
- 21 4. Failure to comply with this order may result in a recommendation for the dismissal of
22 this action.
- 23 5. The Clerk of Court is DIRECTED to attach to this order a blank application to proceed
24 *in forma pauperis* by a prisoner.

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27 ¹ If Plaintiff believes he is a prisoner pursuant to the definition listed above, he should complete the
28 application to proceed *in forma pauperis* by a prisoner. Otherwise, he should complete the application to proceed in
district court without prepaying fees or costs (short form).

6. The Clerk of Court is directed to attach to this order a blank application to proceed in district court without prepaying fees or costs (short form).

IT IS SO ORDERED.

Dated: March 14, 2023

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE